

Instructional Letter

Number: IL 4015.00

/s/ Brian Zeigler, for the Assistant Secretary

Assistant Secretary
Environmental and Engineering Services

Effective Date: January 18, 1999

Expires: January 18, 2000

Right of Way Plan Development Process Improvements

I. Introduction

A. Purpose

The Real Estate Acquisition Team (REACT) has identified process improvements that can reduce the time to prepare right of way plans. These improvements will be implemented through future revisions to the guidance in departmental manuals.

This Instructional Letter is to implement and quickly communicate the new guidance pending revision of the manuals.

B. Supersessions

The material presented here supersedes the existing manual material, as described in Parts II and III below, of the following manuals.

- *Design Manual, M 22-01*
- *Plans Preparation Manual, M 22-31*
- *Right of Way Manual, M 26-01*

C. Effective Date and Term

This guidance is effective on the date of this letter and will expire within one year. Future editions of the listed manuals will reflect these changes.

II. Right of Way Plan Development Improvements

The REACT Team identified a problem by noting that the calculated total area of a parcel does not always agree with the assessor's information. This can cause conflict during negotiations. The Team also noted that there have been delays to right of way plan preparations caused by the waiting period between the time of requests for title reports and the time of their delivery.

The Team identified the following solutions:

- Show the assessors' information in the "Total Area" block of right of way plans (instead of calculated areas) along with a note stating that the total area shown has been taken from the assessors' records.
- Begin plan preparation based on readily available documents (assessors' maps, printouts, last conveyances), then order title reports as soon as the project limits are determined, and finalize the right of way plan based on the title reports.

The following manual changes implement these solutions.

A. Revisions to the *Plans Preparation Manual*

1. Division 1, 110, "Introduction"

110.01 General

Replace the third paragraph with the following three paragraphs:

To assemble the data, the region requests assessors' maps, assessor's rolls, and last conveyances for use during early plan preparation. As soon as the parcels from which additional right of way will be acquired are identified, title reports with assessors' land areas are requested for use in completing the right of way plans.

The regional Manager of Real Estate Services is consulted during early plan preparation to determine the degree of property interests to be acquired; such as fee title, easements, and temporary construction easements.

The regional Utilities Engineer is consulted during early plan preparation to determine the extent of utility interests to be addressed.

2. Right of Way Plan Examples

Examples 1-2, 1-3, and 1-5 through 8

Add note to lower left corner in Ownership box. If Total Area is calculated, add symbol to Total Area number and note to the notes list as shown:

						◆ Calculated Total Area
						** TEMPORARY CON
						+ CROSSING EASEMENT
						+ LONGITUDINAL
4-05393	B.N.S.F.	UNDETER.	± 0.39 AC. + 0.13 AC.			PROPERTY OWNERSHIP PROPERTY LINES
4-05392	MARTIN, N.M., ET AL	27.49 AC.	● 2.69 AC.	24.80 AC.	△ 0.71 AC. * 0.16 AC.	
4-05391	SKELIS, D.R. (JONES, R.S.)	24.08 AC.	0.48 AC.	23.60 AC.	** 0.09 AC.	
4-05390	WESE, G.W.	◆ 23.50 AC.	6.27 AC.	17.23 AC.		
4-05389	WEYERHAEUSER COMPANY	UNDETER.	0.23 AC.	UNDETER.		
4-05388	SEE SHEET 2					
4-05387	SEE SHEET 2					
PARCEL NO.	NAME	TOTAL AREA	R/W	LT. REMAINDER RT.	EASMT	
Note: Total Area is from assessor's records						
OWNERSHIPS						

3. Division 1, 140, "Right of Way Acquisition Details"

140.01 General

Add the following paragraph between the first and second paragraphs. In the second paragraph, strike "total" from the first sentence and "Total areas of ownership and" from the fourth sentence .

Project Development, working with Real Estate Services, can obtain total area for parcels shown on the right of way plan from the county assessor's office. The title companies are also requested to include areas from assessors' records in the title reports and these areas are entered in the "Total Area" boxes on the right of way plans.

B. Revision to the *Right of Way Manual*

1. Section 6-2.1.2, Project Inspection and Parcel Assignment

Add underlined text as follows:

H. Individual Parcel files are prepared which include:

1. Title report and assessor's total area.

C. Revision to the *Design Manual*

1. Chapter 1410, "Right of Way Considerations"

1410.01 General

Replace the third and fourth paragraphs with the following:

Right of way cost estimates are made by Real Estate Services staff. When the parcels from which additional right of way will be acquired are known, title reports (including assessors' land areas) can be requested.

Real Estate Services specialists also "make project field inspections at appropriate times throughout the development of a project to ensure adequate consideration is given to significant right of way elements involved (including possible social, economic, and environmental effects)" in accordance with 23CFR Chapter 1 part 712 subpart B and the *Right of Way Manual*.

III. Early Involvement

The REACT Team identified a problem by noting that the regional Real Estate Services and Utilities staff are not always consulted during project definition or early in the development of the right of way plan, which can result in unnecessary revisions.

The Team's suggested solution is to add guidance to two manuals to make them conform to guidance in 6-2.1.1 of the *Right of Way Manual*. The following manual changes implement this solution.

A. Revisions to the *Design Manual*

1. Chapter 150, "Project Development Sequence"

The future rewrite of Chapter 150 will provide a list of the disciplines that will be required to participate in project definition. That list will include Real Estate Services and Utilities.

2. Chapter 330, "Design Documentation, Approval, and Process Review"

330.04 Project Development

Replace the second sentence of the first paragraph with the following.

The project coordination with other disciplines (such as Real Estate Services, Utilities and Surveying) is started in the project definition phase and continues throughout the project's development..

3. Chapter 1410, "Right of Way Considerations"

1410.01 General

Replace the first sentence with the following:

Real Estate Services personnel participate in the Project Definition stage of a project to assist in minimizing right of way costs, defining route locations and acquisition areas, and determining potential problems and possible solutions.

B. Revision to the *Plans Preparation Manual*

See II.A.1. regarding 110.01.

IV. ADA Statement

Alternate Formats: Persons with disabilities may request this information be prepared and supplied in alternate forms by calling collect (360) 664-9009. Deaf and hearing impaired people may call 1-800-838-6388 (TTY relay service).